

83-00020

OFFICE OF THE ATTORNEY GENERAL



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Mrs. Bettye Frink
State Auditor of Alabama
The Capitol
Montgomery, Alabama 36130

State Funds - Expenses -
Officers and Offices.

1. State funds cannot be disbursed to pay subscription to political polling service.
2. Under facts stated, Judge may receive in-state travel allowance for travel in a commercial airplane while he was on business within the State.

Dear Mrs. Frink:

Reference is made to your request for the opinion of the Attorney General as to the following matters:

1. I respectfully request your official opinion on the legality of a State agency disbursing State funds for a subscription to a political poll service, specifically the "Ray Evans Reports, Alabama Update".

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If it is a legitimate expenditure of State funds, what criteria may we use in determining which State agencies or officials may subscribe to polling surveys and/or services?

2. Your official opinion is requested as to the proper method of payment of the attached claim.

Title 36-7-22, of the 1975 Code of Alabama, states:

"Persons traveling on official business. . .in privately owned vehicles shall receive up to \$.20 per mile in lieu of their actual expenses for transportation."

However, in this case, the traveler elected to combine personal leave with official business and travel by air and is, therefore, claiming \$270.00 rather than the \$142.00 that would have been paid if travel was by private vehicle.

If travel by air is an allowable reimbursement, which of the following two reimbursements should be made:

1. Cost of a round trip by air between Mobile and Huntsville, or
2. Added cost to travel to Tampa via Huntsville.

Your first question is to be answered in the negative.

Appropriations are made to each office, department and agency of the State for the "ordinary expenses" of that office, department, or agency under Section 71 of the

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Constitution of Alabama, 1901. "Ordinary expenses" of state government have been defined as those recurring expenses which are reasonably to be anticipated for the operation and maintenance of a state department, office or agency. It is the opinion of the Attorney General that a subscription to a political polling service is not an "ordinary expense" of government for which State funds can be disbursed.

Turning to your second question, Code of Alabama 1975, Section 36-7-22, provides a mileage allowance of up to \$0.20 per mile in lieu of actual travel expenses for persons traveling on official state business in privately owned vehicles. On the absence of specific directions from a superior officer employees and officers of the State may elect whether they shall travel by air or automobile. He therefore is entitled to full reimbursement for the costs of his air transportation from Mobile to Huntsville and return.


I trust that your questions have been sufficiently answered.

If our office can be of further assistance to you, please let us know.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-


LYNDA F. KNIGHT
Assistant Attorney General

LFK/dn